

The regular meeting of the City Council of the City of Trinidad, Colorado, was held on Wednesday, September 19, 2012 at 7:00 p.m. in City Council Chambers at City Hall.

There were present:	Mayor Pro-Tem	Shew, presiding
	Councilmembers	Baca Gonzalez, Bolton, Bonato, Mattie, Velasquez
Also present:	Acting City Manager	Gagliardi
	City Clerk	Garrett

The pledge of allegiance was recited.

**READING OF THE MINUTES.** Regular Meeting of September 4, 2012 and Special Meeting of September 11, 2012. Councilmember Baca Gonzalez, reminding that she was not present at the September 4<sup>th</sup> meeting, and consequently asked to abstain from voting on those minutes. A motion to accept the minutes as presented was made by Councilmember Mattie and seconded by Councilmember Bolton. The motion carried by a unanimous roll call vote, excepting the abstention of Councilmember Baca Gonzalez from the minutes of the September 4, 2012 regular meeting.

**PETITIONS OR COMMUNICATIONS, ORAL OR WRITTEN.** None.

**REPORT BY CITY MANAGER.** Finance Director position. Acting City Manager Gagliardi advised that he had a communication with one City Council Member regarding the Finance Director's position and whether it would be prudent to delay hiring a replacement. He said that he and former Finance Director Rose Blatnik agreed on entering into a Letter of Understanding for continued services through December 15<sup>th</sup>, not to exceed 40 hours per month. He continued that the City has received six applications, one withdrew. He said he hasn't done anything with those applications. Acting City Manager Gagliardi asked Council how they wished for him to proceed – whether to let the new City Manager choose the Finance Director. Through his contact with Mike Dixon (of the City's auditing firm, Dixon, Waller & Assoc.), he said he learned that Mr. Dixon had no suggestions regarding a replacement. He added that if Council wished for him to proceed with the six applications he would do so. Councilmember Bolton asked if the City can get by with the amount of time Rose Blatnik is willing to work. Acting City Manager Gagliardi said the most important thing to work through is the budget, which she had done exceedingly well up to the time she left. Councilmember Bolton noted that she's intimately familiar with it. Acting City Manager Gagliardi said he'd like to address the applicants to explain that at this time the City won't be doing anything with respect to filling the vacancy. He added that two out of the six might fit the bill with respect to the qualifications. One is a CPA with about 12 years of experience and the other, while not a CPA, has familiarity with government bookkeeping. Councilmember Bolton stressed the need to keep in communication with those applicants and opined that it is prudent to hold off. Councilmember Mattie agreed. He said his concern is whether the time Ms. Blatnik is willing to work will be enough. Acting City Manager Gagliardi said Ms. Blatnik will not be doing daily work; one of the other staff members will do that work. Also, if there's a question, she's a phone call away. Councilmember Mattie opined that they should wait for more stability. Councilmember Baca Gonzalez agreed with keeping Ms. Blatnik part time during this time until a City Manager is hired. She said she'd feel more comfortable with that person participating in the interviews. She asked that an explanation be sent to the applicants. Council members Velasquez and Bonato agreed to wait for a new City Manager to be hired.

**REPORT BY CITY ATTORNEY.** Les Downs addressed Council and advised that he has signed the proposed contract and sent it back to the City. He said if Council is willing to have him, he's looking forward to being the Interim City Attorney. Councilmember Baca Gonzalez made a motion to move Miscellaneous agenda Item 7g, Contract between the City of Trinidad and Les Downs, Attorney at Law, for interim legal services, for immediate consideration. The motion was seconded by Councilmember Bolton and carried unanimously.

Contract between the City of Trinidad and Les Downs, Attorney at Law, for interim legal services. A motion to approve the contract was made by Councilmember Bolton and seconded by Councilmember Bonato. Upon roll call vote, the motion carried unanimously. Mr. Downs was seated next to Acting City Manager Gagliardi.

**COMMITTEE REPORTS.** None.

**UNFINISHED BUSINESS.** Public hearing for consideration of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 14 through 17, and the east 18 feet of Lot 18, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Neighborhood Services zoning to Transitional-Community Commercial zoning (928 Smith Avenue, Gerald D. Cimino and Charles J. Murphy). Mayor Pro-Tem Shew opened the hearing and called for comments for or against the zone change and called for questions. Bruce Barr, Art Klein Construction on behalf of the applicants for this and the subsequent item, addressed Council and offered to answer any questions. There being none, and the hearing was closed.

Second reading of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 14 through 17, and the east 18 feet of Lot 18, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Neighborhood Services zoning to Transitional-Community Commercial zoning. The ordinance title was read loud. A motion to approve it on second reading was made by Councilmember Baca Gonzalez. The motion was seconded by Councilmember Bonato and carried with all Council members voting aye except Councilmember Mattie who abstained advising prior to previous hearings that he was indirectly related to one of the principals).

ORDINANCE NO. 1929

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION OF PROPERTY LOCATED IN

SEPTEMBER 19, 2012

THE SANTA FE R. R. WEST ADDITION, LOTS 14 THROUGH 17, AND THE EAST 18 FEET OF LOT 18, BLOCK 10, OF THE CITY OF TRINIDAD, COLORADO, FROM EXISTING TRANSITIONAL-NEIGHBORHOOD SERVICES ZONING TO TRANSITIONAL-COMMUNITY COMMERCIAL ZONING

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Public hearing for consideration of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 27 and 28, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Medium Density Residential zoning to Transitional-Community Commercial zoning (923 Robinson Avenue, Mt. Carmel Health, Wellness & Community Center). Mayor Pro-Tem Shew declared the hearing open and called for comments for or against the zone change. There being no comments, Mayor Pro-Tem Shew closed the hearing.

Second reading of an ordinance amending the zone classification of property located in the Santa Fe R. R. West Addition, Lots 27 and 28, Block 10, of the City of Trinidad, Colorado, from existing Transitional-Medium Density zoning to Transitional-Community Commercial zoning. The ordinance title was read aloud. A motion to approve the ordinance on second reading was made by Councilmember Bolton. The motion was seconded by Councilmember Velasquez and carried with all Council members voting aye except Councilmember Mattie who abstained.

ORDINANCE NO. 1930

AN ORDINANCE AMENDING THE ZONE CLASSIFICATION OF PROPERTY LOCATED IN THE SANTA FE R. R. WEST ADDITION, LOTS 14 THROUGH 17, AND THE EAST 18 FEET OF LOT 18, BLOCK 10, OF THE CITY OF TRINIDAD, COLORADO, FROM EXISTING TRANSITIONAL-NEIGHBORHOOD SERVICES ZONING TO TRANSITIONAL-COMMUNITY COMMERCIAL ZONING

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**MISCELLANEOUS BUSINESS.** Special Event Permit request (malt, vinous and spirituous) by Arthur Roy Mitchell Memorial, Inc. at 105 E. Main Street for October 13, 2012 (Black & White Ball). Councilmember Bolton moved for approval of the Special Event Permit as presented. The motion was seconded by Councilmember Baca Gonzalez and carried by a unanimous roll call vote.

Approval of Property/Casualty and Workers' Compensation insurance coverage renewal through CIRSA (Colorado Intergovernmental Risk Sharing Agency) for 2013. City Clerk Garrett told Council that the renewal quotes were received and are lower than last year's for both policies. Staff recommends renewal. A motion to renew Property/Casualty and Workers' Compensation insurance coverage for 2013 through CIRSA was made by Councilmember Baca Gonzalez and Councilmember Bonato seconded the motion. Upon roll call vote, the motion carried unanimously. Mayor Pro-Tem thanked the City employees for their part in helping to reduce the insurance rates.

Setting of Public Hearing date for Capital Budget Estimates and 2013 Annual Budget (10/16/12). City Clerk Garrett advised that Council should have a draft budget by October 2<sup>nd</sup> and it will be available to the public at that same time. There would be two weeks for public review and a hearing could be held on October 16<sup>th</sup>. She asked that the hearing date suggested be set so that it can be advertised accordingly. Councilmember Bolton made a motion to set the public hearing date for Capital Budget Estimates and the 2013 Annual Budget for their regular meeting on October 16, 2012. The motion was seconded by Councilmember Baca Gonzalez and carried by a unanimous roll call vote.

Appointment to the Parks & Recreation Advisory Committee. Councilmember Mattie moved for the appointment of Peggy Westmoreland to the Parks & Recreation Advisory Committee. Councilmember Baca Gonzalez seconded the motion, which carried unanimously upon roll call vote.

Declaration that a vacancy exists on City Council and setting a deadline to receive letters of interest and determining the appointment process. Councilmember Bolton recommended that the draft public notice provided to them be amended to include that in addition to a letter of interest a resume be provided. She also suggested the advertisement be made for five business days with a deadline of September 28<sup>th</sup> or October 1<sup>st</sup> so Council can have them for their October 2<sup>nd</sup> meeting and Council can set a time for public presentation by interested parties at an October 9<sup>th</sup> work session and then hold a special meeting to make a decision. City Clerk Garrett suggested a noon deadline on September 28<sup>th</sup> to allow the letters and resumes to be included in Council packets. Councilmember Baca Gonzalez made a motion to declare that a vacancy exists on City Council and set a deadline of noon on September 28, 2012 to receive letters of interest and resumes from those citizens within the City who aspire to fill the vacancy. The motion was seconded by Councilmember Bolton and carried by a unanimous roll call vote.

Consideration of the Arts and Culture Advisory Commission request for placement of art in public places. Councilmember Baca Gonzalez made a motion to approve of the action to place art work on the temporary covered walkway attached to the Opera House building as discussed in the work session on September 11, 2012. The motion was seconded by Councilmember Bolton and carried unanimously upon roll call vote.

Contract between the City of Trinidad and Les Downs, Attorney at Law, for interim legal services. This item was considered earlier in the agenda.

Resolution supporting a grant application to the Colorado State Historical Fund for the funding necessary to develop construction documents for the preservation, rehabilitation and restoration of the WPA-constructed Monument Lake Fish Hatchery and Zoo. Planning Director Fineberg advised Council that right now they are in the process of conducting an archeological assessment on the site. The field work is done and the City is waiting on the report. This grant would be for the second phase, the development of construction documents for the restoration of the zoo and hatchery, similar to the former Hughes Lumber Company building. Councilmember Bolton asked if the anticipated amount of the City match is \$7,000 or 30%. Planning Director Fineberg confirmed that it is according to what is set forth in the resolution.

Councilmember Baca Gonzalez read that the total is \$45,450 with a cash match of \$7,000. Mayor Pro-Tem Shew commended Planning Director Fineberg for his accomplishments with grants. A motion to adopt the resolution was made by Councilmember Bolton and seconded by Councilmember Mattie. Roll call was taken and the motion carried unanimously.

SEPTEMBER 19, 2012

RESOLUTION NO. 1400

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TRINIDAD, COLORADO,  
SUPPORTING A GRANT APPLICATION TO THE COLORADO STATE HISTORICAL  
FUND FOR THE FUNDING NECESSARY TO DEVELOP CONSTRUCTION DOCUMENTS  
FOR THE PRESERVATION, REHABILITATION AND RESTORATION OF THE WPA-  
CONSTRUCTED MONUMENT LAKE FISH HATCHERY AND ZOO

Consideration of Engineering Proposal for Monument Lake Bath House. Linda Vigil, Administrative Assistant to Utilities Superintendent Fernandez, addressed Council. She said the contract is in place awaiting Council's approval and clarified that this is for the engineering work. Councilmember Baca Gonzalez made a motion to approve the proposal for the documents related to the Monument Lake bathhouse submitted by Robert D. Just, not to exceed \$18,800. The motion was seconded by Councilmember Mattie and carried by a unanimous roll call vote.

Resolution supporting a grant application to the Colorado State Historical Fund for the funding necessary to restore and/or replicate the doors and windows of the Old Stone Water Works building for the purpose of completing the exterior restoration, rehabilitation and preservation work on the structure. Mayor Pro-Tem Shew asked if the windows and doors were supposed to have been included in Phase 1. Planning Director Fineberg said it did not include windows and doors. He added that this is the last thing left for the exterior to be fully restored. He pointed to the resolution for the grant match. Councilmember Bolton read that it is \$14,700 or a 30% match. Mayor Pro-Tem Shew asked if there are grants available to finish the interior, commenting that it is silly to not get use out of the building. He recalled that it was supposed to be finished with just grant money. Planning Director Fineberg pointed out that the building's use hasn't really been decided yet. He said they did a site visit today for SCRT to use it as a theatre, however he felt it would be too small and not suited for that use. He said it is worthwhile to think about because knowing what type of use they want will help with the building's interior renovation. Councilmember Bonato asked if the foundation is stable. Planning Director Fineberg answered that it is. It just needs doors, windows and grading because it is almost in a hole. Water currently drains to the building. Councilmember Baca Gonzalez asked if there is a floor within the structure. Planning Director Fineberg said calling it a floor would be generous. There is some concrete, but he really wouldn't call them floors. He suggested if it does not house a City department there may be a chance for partnership in the completion of the interior of the building. Councilmember Baca Gonzalez said she likes old buildings but in looking at what the City has spent on this one she felt that we need to do better planning before we take on some of these buildings. A motion to adopt the resolution was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. Roll call was taken on the motion and carried unanimously.

RESOLUTION NO. 1401

RESOLUTION SUPPORTING A GRANT APPLICATION TO THE COLORADO STATE  
HISTORICAL FUND FOR THE FUNDING NECESSARY TO RESTORE AND/OR REPLICATE  
THE DOORS AND WINDOWS OF THE OLD STONE WATER WORKS BUILDING FOR THE  
PURPOSE OF COMPLETING THE EXTERIOR RESTORATION, REHABILITATION AND  
PRESERVATION WORK ON THE STRUCTURE

**BILLS.** Councilmember Bolton questioned a \$15,000 allocation from the Power & Light Fund on page 14 for wooden poles and asked if that was a routine replacement throughout town or for a certain area. Acting City Manager Gagliardi said it was for routine replacements. Councilmember Bolton questioned on page 21 within the Capital Improvement Project Fund, a payment to Westland Resources for \$13,222 for Monument Lake improvements. She asked what those improvements were. Acting City Manager Gagliardi said he wasn't sure but would find out and let Council know. A motion to approve payment of the bills as presented was made by Councilmember Baca Gonzalez. The motion was seconded by Councilmember Velasquez. Roll call was taken on the motion to approve the bills and it carried unanimously.

**PAYROLL,** September 1, 2012 through September 14, 2012. A motion to approve the payroll was made by Councilmember Mattie and seconded by Councilmember Bonato. The motion carried unanimously.

Councilmember Baca Gonzalez called to Council's attention the letter at their seating places and said that since they now have legal counsel she would like to provide the letter to Mr. Downs because in looking at it it appears to her that maybe somebody is filing a complaint against a City Council Member and concerns were expressed about use of a private investigator in connection with one applicant for the City Manager position. She added that she believed the City's attorney needs to look at it and tell Council if there are any issues here. Mr. Downs said he'd be happy to and give an advisory opinion. After brief discussion Mr. Downs said he would provide a confidential written letter on how Council should proceed.

**ADJOURNMENT.** There being no further business to come before Council, a motion to adjourn the regular meeting was made by Councilmember Bolton and seconded by Councilmember Baca Gonzalez. The meeting was adjourned by unanimous voice vote of Council.

ATTEST:

FRANKLIN SHEW, Mayor Pro-Tem

AUDRA GARRETT, City Clerk